

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF CHANGE APPLICATION)

NUMBER 55-9253 (a21578))

MEMORANDUM DECISION)

Change Application Number 55-9253 (a21578), in the name of Fort Field-Little Dry Creek Water Users Association (water right held by State of Utah Board of Water Resources) and Lehi City Corporation, was filed on October 2, 1997, to change the point of diversion, place and nature of use of 31.48 acre-feet of water represented by 4.0 shares of stock in the Fort Field-Little Dry Creek Water Users Association. Historically, the water was diverted from the Provo River at two sites: (1) North 1846 feet and East 1676 feet from the SW Corner of Section 36, T6S, R2E, SLB&M; (2) North 1750 feet and East 800 feet from SW Corner of Section 2, T7S, R2E, SLB&M. Water thusly diverted was used for irrigation of 7.87 acres.

Now it is intended to divert the 31.48 acre-feet from a 20-inch diameter well and/or a drain situated as follows: well: South 50 feet and East 2000 feet; drain, South 50 feet and East 2050 feet; both from the W1/4 Corner of Section 21, T5S, R1E*, SLB&M. Lehi City would use the water for municipal purposes.

Notice of the change application was published in the Lehi Free Press on November 5 and 12, 1997. A protest was filed by Arlo Webb asserting that the operation of the applicants' proposed well could affect production of his wells. Letters of concern were received from United States Bureau of Reclamation, Central Utah Water Conservancy District and Provo River Water Users Association. These three parties request that appropriate conditions and limitations be imposed to preclude any adverse impact. A hearing was not conducted.

The State Engineer has reviewed the pertinent issues, including historic and future water use. The State Engineer in a Memorandum Decision, dated July 26, 1991, approving Change Application Number 55-11009 (t91-55-21) quantified a share of stock in the Fort Field-Little Dry Creek Water Users Association to be 7.20 acre feet. Therefore, four shares of stock represent 28.80 acre-feet. Spanish Fork is the closest site to the historic place of use for which current irrigation requirement data is available. Consumptive irrigation requirement for alfalfa at Spanish Fork is 2.26 feet. (Hill, Robert W., Consumptive Use of Irrigated Crops in Utah, Utah Agriculture Experiment Station, Research Report 145). Irrigation diversion allowance which the State Engineer has utilized for Utah Valley is 4.00 acre-feet per acre. The 28.80 acre-feet would have irrigated 7.20 acres; historic depletion was 16.27 acre-feet ($2.26 \times 7.20 = 16.27$) or 56.5 percent of the water applied; and the return flow was 12.53 acre-feet.

Lehi City Corporation operates a dual water system: composed of a regular municipal system which supplies all the inside needs of its customers, with limited outside use and a pressurized irrigation system, for outside use only which provides irrigation water to the residents of the City. Wastewater from inside use is conveyed to the local treatment plant situated adjacent to Utah Lake into which the treated water is discharged. This return flow from inside use is certainly a greater percent of the quantity diverted than it was historically under the Fort Field-Little Dry Creek system. Consequently, if the City elects to use water pursuant to this change application exclusively in its municipal system, it should be allowed to divert the entire 28.80 acre-feet.

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The United States Geological Survey has estimated the return flow to the local hydrologic regimen in Utah Valley from the operation of a pressurized irrigation system to be about 10 percent of the quantity applied (Brookes, L.E. and Stolp, B.J., 1995, Hydrology and Simulation of Groundwater Flow in Southern Utah and Goshen Valleys, Utah; Utah Department of Natural Resources, Technical Publication No. 111. If all the water diverted by the City for municipal use is delivered through its pressurized irrigation system, the total diversion must be limited to 18.08 acre-feet ($16.27/0.90=18.08$).

In evaluating various elements of the underlying rights, it is not the intention of the State Engineer to adjudicate the extent of these rights, rather to provide sufficient definition of the rights to assure that other vested rights are not impaired by the change and no enlargement occurs. If, in a subsequent action, the court adjudicates that this right is entitled to either more or less water, the State Engineer will adjust the figures accordingly.

It is, therefore, **ORDERED**, and Application Number 55-9253 (a21578) is hereby **APPROVED** subject to prior rights and the following conditions:

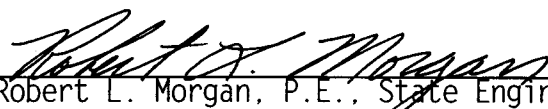
1. The applicants shall install permanent totalizing meters on the well and the drain to measure all water diverted and shall keep at least monthly records of all water diverted. The meters and the records shall be made available to the State Engineer or his duly appointed representative at all reasonable times in regulating this change.
2. If Lehi City Corporation is diverting water (potable quality) exclusively into its regular municipal system, the total annual amount shall not exceed 28.80 acre-feet. Should Lehi City divert water solely into its pressurized irrigation system, total annual diversion shall be limited to 18.08 acre-feet. In no case shall the annual depletion of water from the local hydrologic regimen exceed 16.27 acre-feet.
3. The applicants shall allow 28.80 acre-feet of water annually to bypass the points of diversion on the Provo River for the Fort Field-Little Dry Creek Water Users Association or shall recharge the ground-water reservoir with the 28.80 acre-feet. If the applicants elect to use ground-water recharge, they shall submit a plan to the State Engineer and receive approval of it before implementing the change application.
4. Upon submittal of proof and diversion of water, the applicants shall, in addition to all the other information required, provide evidence that 7.20 acres formerly irrigated is no longer having water applied to it. Also included shall be information showing a compliance with the above conditions.
5. Any additional costs incurred by the Provo River Commissioner in the administration of the change application shall be borne by the applicants. The amount of such costs shall be determined by the Commissioner and/or the State Engineer.

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6. This change application shall be valid only when utilized by and for Lehi City Corporation. No municipal use is implied or granted by this application for use in any of Lehi City Corporation's facilities by another party other than the City. Should Lehi City Corporation withdraw its support of the application, this approval shall be considered void.

This Decision is subject to the provisions of Rule R655-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 28th day of October, 1998.


Robert L. Morgan, P.E., State Engineer

RLM:JER:EDF:1z

Mailed a copy of the foregoing Memorandum Decision this 28th day of October, 1998, to:

Fort Field-Little Dry Creek Water Users, Held by BWR
107 South Orem Blvd
Orem, UT 84058

State of Utah Board of Water Resources
1594 West North Temple, Ste 310
Salt Lake City, UT 84114-6201

Lehi City
153 North 100 East
Lehi City, UT 84043

Central Utah Water Conservancy District
355 West University Parkway
Orem, UT 84058-7303

Provo River Water Users Association
1788 North State Street
Orem, UT 84057

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Provo River Water Users Association
c/o Shawn Draney
10 Exchange Place, 11th Floor
P. O. Box 45000
Salt Lake City, UT 84145-5000

US Department of the Interior
Bureau of Reclamation
302 East 1860 South
Provo, UT 84606-7317

Arlo Webb
9087 North 9150 West
Lehi, UT 84043

Stanley H. Roberts
1675 South 350 East
Orem, UT 84058

BY: Laurel Zundel
Laurel Zundel, Secretary